

EXHIBIT N

Dubinsky False Testimony on Direct Examination	Dubinsky admissions on Cross-Examination
<p>Q. . . . So, the proprietary trading side of the business bought and sold securities?</p> <p>A. Absolutely.</p> <p>Q. The investment advisory side?</p> <p>A. Never.</p> <p>Transcript of trial testimony in <i>Picard v. Nelson</i>, Adv. Pro. Nos. 10-04377 and 10-04658 (Bankr. S.D.N.Y.) (“Nelson Tr. 5/8/19”) at 64:10-14 [emphasis added].</p>	<p>A. There were about six or eight other brokerage accounts that were located during this time period, the 2000 to 2008 time period, where there were certain treasuries that were being purchased. Money was being taken out of the 703 account, Your Honor, over to those brokerage accounts.</p> <p>These are at other wire houses. And treasuries were purchased in those accounts and then liquidated at various times.</p> <p><i>Id.</i> 5/8/19 at 153:4-11</p>
<p>Q. Based on your review of the BLMIS Investment Advisory books and records, were you able to determine if Mr. Madoff's allocation concerning treasuries was accurate?</p> <p>A. It confirmed my analysis in finding that no treasuries were bought or traded for any of the investment advisory clients. <i>Id.</i> at 129:9-14 [emphasis added].</p>	<p>Q. But in any event, you're now telling us that you're aware that there were approximately eight accounts at which Madoff was using investment advisory customers' money to purchase T bills. Isn't that true?</p> <p>A. That is correct, yes.</p> <p>Q. Okay. And those accounts included Lehman Brothers.</p> <p>A. Correct.</p> <p>Q. Bear Sterns.</p> <p>A. That's correct.</p> <p>Q. JP Morgan Chase.</p> <p>A. Correct.</p> <p>Q. Morgan Stanley.</p> <p>A. There was a Morgan Stanley account, yes. <i>Id.</i> at 154:2-9 [emphasis added].</p>
<p>Q. So, taken in conjunction with the other evidence you identified with relating to treasuries, did you reach a conclusion regarding the purchase and sale of treasuries, by the BLMIS Investment Advisory business?</p> <p>A. There was no evidence of treasuries being purchased for the IA business customers, plain and simple. <i>Id.</i> at 132:9-14 [emphasis added].</p>	<p>Q. Well, you testified that in trying to analyze Madoff's stock and T-bill position, you went only to the DTC records.</p> <p>A. Correct.</p> <p>Q. But isn't a fact that Mr. Madoff also kept securities with financial institutions from which he bought them?</p> <p>A. As in the eight brokerage accounts, yes. <i>Id.</i> at 177:16-18-21</p>

<p>A. On the IA side of the business, Your Honor, it [a computer system for trading securities] didn't exist. There's no need -- if you're not trading any stocks and you're not doing anything, you don't need all these systems. Systems have servers, servers take up room, people can have access to it, they can see what you're doing. So, in the midst of perpetrating a fraud, things you don't need you don't put in the room. You leave it out. And that's why these things were not present over in the IA business. <i>Id.</i> at 73:6-14</p>	<p>Q.And you recall that these were investments of securities that were made with investment advisory customers' money, right? A. There was money taken out of the 703 account, transferred to these accounts, these various accounts, and then these securities were purchased, yes <i>Id.</i> at 154:24-155:4</p>
<p>Again, there's no checkmark under the IA business because there's no need for it. You don't need real time market quotes and trading when you're not doing trading. <i>Id.</i> at 74:1-3 [emphasis added].</p>	<p>Q. Isn't it a fact, Mr. Dubinsky, that the T-bill investments that Mr. Madoff made with investment advisory customers money earned interest? A Are you talking about the overnight sweeps? Q No, I'm not. I'm talking about the eight or nine firms that you've acknowledged that Madoff purchased T-bills through with investment advisory customers money. A So -- Q And those T-bills paid interest, right? A Those T-bills paid interest. <i>Id.</i> at 166:9-18</p>
<p>Again, you'll see that for the prop trading business. It makes sense. They're trading stocks and other instruments. You don't see it for the IA business. Again, you don't need it because nothing is going on. <i>Id.</i> at 74:19-23 [emphasis added].</p>	
<p>Again, nothing was being done in the IA business with real stocks, or bonds, or trading, so you don't need an audit trail when you're making everything up. <i>Id.</i> at 75:17-20 [emphasis added].</p>	
<p>Q. I think you've answered this question but based on your review of the computer systems at BLMIS, were you able to determine if any</p>	

<p>trades were being processed through the investment advisory business computers?</p> <p>A. I was able to make that determination and the answer is they were not. There was no evidence, Your Honor, of any trades being executed through the IA business computer systems whatsoever. <i>Id.</i> at 80:4-11 [emphasis added].</p>	
<p>There was “never any addition to the 703 Account that I saw when I examined the bank accounts to show that money was coming from trading profits.” <i>Id.</i> at 84:1-3</p>	
<p>There was no evidence other than money coming in from customers and money going out to customers. A little bit of the sweep, the overnight sweeps to kind of create more money for the Ponzi to enable it to go a little bit longer, in other words. And that’s why I have Xes on all of those.</p> <p>Q. So, based on your review of the books and records of BLMIS, did you reach a conclusion about the source of funds for the 703 account?</p> <p>A I did.</p> <p>Q I probably asked and answered that one but I’ll ask it again.</p> <p>A It came from the IA business customers. <i>Id.</i> at 92:16-93: 3 [emphasis added].</p>	
<p>Q. So, to wrap up this issue, please summarize your conclusions concerning the source of funds flowing out of the investment advisory business to customers. Where was that money coming from?</p> <p>A. Customer money. Just other customers’ money. <i>Id.</i> at 95:6 – 96:11.</p>	